

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDERY HERRERA, on behalf of himself and all
others similarly situated,

24-CV-09037 (DEH) (RFT)

Plaintiffs,

-against-

RECESS PICKLEBALL, INC.

Defendant.

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

IT IS HEREBY ORDERED that, within **30 days** of the service of the summons and complaint, the parties must meet and confer for at least one hour in a good-faith attempt to settle this action. In their discussions, the parties should consider whether plaintiff has satisfied the threshold requirement of standing. See, e.g., *Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68, 77-78 (2d Cir. 2022); *Harty v. W. Point Realty, Inc.*, 28 F.4th 435, 443-44 (2d Cir. 2022). To the extent the parties are unable to settle the case themselves, they must also discuss whether further settlement discussions through the District's Court-annexed mediation program or before the undersigned would be productive at this time.

IT IS FURTHER ORDERED that, within **45 days** of service of the summons and complaint, the parties must submit a joint letter informing the Court whether the parties have settled. If the parties do not reach a settlement, the parties shall, in their joint letter, request that the Court either (1) refer the case to mediation, or (2) set a date for a settlement conference, or (3) proceed with an initial case management conference.

DATED: December 5, 2024
New York, NY

SO ORDERED.



ROBYN F. TARNOFSKY
United States Magistrate Judge